

110TH CONGRESS  
1ST SESSION

# S. 443

To establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mr. SALAZAR (for himself and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Sangre de Cristo Na-  
5       tional Heritage Area Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the exceptional culture, the rich natural re-  
9       sources, the variety of recreational opportunities,  
10      and the unparalleled history of the San Luis Valley

1 are of national significance and are deserving of rec-  
2 ognition, conservation, interpretation, and con-  
3 tinuing use;

4 (2) the people of the San Luis Valley have, for  
5 centuries, found ways to cultivate and preserve their  
6 cultural and natural heritage;

7 (3) the efforts of the peoples of Conejos,  
8 Costilla, and Alamosa Counties to form the Sangre  
9 de Cristo National Heritage Area reinforce this tra-  
10 dition of stewardship;

11 (4) the Sangre de Cristo National Heritage  
12 Area contains historic structures and land that were  
13 central to the development of the West, including  
14 Mexican land grants, the narrow gauge railroad now  
15 known as the “Cumbres and Toltec Scenic Rail-  
16 road”, and Fort Garland;

17 (5) the Sangre de Cristo National Heritage  
18 Area is a nationally significant cradle of Hispano  
19 culture;

20 (6) the language, art, architecture, religion, tra-  
21 dition, and folklore of Native Americans, early Span-  
22 ish colonists, and Mexican settlers of the Southwest  
23 are alive and thriving in the area, as exemplified in  
24 that—

1 (A) 17th century Spanish is still spoken by  
 2 about 35 percent of the population of the  
 3 Sangre de Cristo region;

4 (B) the towns of San Luis and Antonito,  
 5 which are among the oldest settlements in Colo-  
 6 rado—

7 (i) still contain moradas, placitas, his-  
 8 toric churches, murals, the first mercantile  
 9 of the region, the first water right, and La  
 10 Vega; and

11 (ii) regularly host festivals and reli-  
 12 gious celebrations, including the centuries  
 13 old procession of Los Hermanos  
 14 Penitentes; and

15 (C) the Sangre de Cristo National Herit-  
 16 age Area, inhabited for over 11,000 years by  
 17 native peoples, including the Ute, Navajo,  
 18 Apache, Tiwa, Tewa, Comanche, Kiowa, and  
 19 Arapaho, remains central to native cultures and  
 20 is home to—

21 (i) Mount Blanca, or Sisnaajini, a sa-  
 22 cred mountain for the Navajo and other  
 23 peoples that marks the eastern boundary  
 24 of their world; and

1 (ii) petroglyphs and pictographs along  
 2 the Rio Grande, telling the stories and  
 3 cosmologies of early inhabitants;

4 (7) the Sangre de Cristo National Heritage  
 5 Area, flanked by the San Juan and the Sangre de  
 6 Cristo Mountains, lies in 1 of the largest alpine val-  
 7 leys in North America and is home to an unparal-  
 8 leled combination of natural resources that are pro-  
 9 tected by the good stewardship of private landowners  
 10 and by State and Federal landholdings, including—

11 (A) the Great Sand Dunes National Park  
 12 and Preserve;

13 (B) the Great Sand Dunes Wilderness  
 14 Area;

15 (C) the Baca National Wildlife Refuge, the  
 16 Monte Vista National Wildlife Refuge, and the  
 17 Alamosa National Wildlife Refuge;

18 (D) the Rio Grande National Forest;

19 (E) the Sangre de Cristo Wilderness and  
 20 the San Juan Wilderness;

21 (F) the Blanca Wetlands Complex, the  
 22 Blanca Special Recreation Management Area,  
 23 and the Rio Grande Special Recreation Area;

24 (G) the San Luis Lakes State Park; and

1 (H) 15 State Wildlife Areas, consisting  
2 of—

3 (i) the Higel State Wildlife Area;

4 (ii) the Playa Blanca State Wildlife  
5 Area;

6 (iii) the San Luis Lakes State Wildlife  
7 Area;

8 (iv) the Conejos County Ponds State  
9 Wildlife Area;

10 (v) the Conejos River State Wildlife  
11 Area;

12 (vi) the Hot Creek State Wildlife  
13 Area;

14 (vii) the La Jara Reservoir State  
15 Wildlife Area;

16 (viii) the La Jara State Wildlife Area;

17 (ix) the Poso State Wildlife Area;

18 (x) the Sego Springs State Wildlife  
19 Area;

20 (xi) the Terrace Reservoir State Wild-  
21 life Area;

22 (xii) the Trujillo Meadows State Wild-  
23 life Area;

24 (xiii) the Mountain Home Reservoir  
25 State Wildlife Area;

- 1 (xiv) the Sanchez Reservoir State  
2 Wildlife Area; and  
3 (xv) the Smith Reservoir State Wild-  
4 life Area.

5 (b) PURPOSES.—The purpose of this Act is to estab-  
6 lish the Heritage Area—

7 (1) to carry out the national heritage area al-  
8 ternative as described in the document entitled  
9 “Sangre de Cristo National Heritage Area Feasi-  
10 bility Study, 2005”, dated November, 2005;

11 (2) to provide a management framework to fos-  
12 ter a close working relationship with all levels of  
13 government, the private sector, and the local com-  
14 munities in the San Luis Valley to—

15 (A) conserve the heritage of the region;  
16 and

17 (B) continue to pursue compatible eco-  
18 nomic opportunities; and

19 (3) to assist communities, organizations, and  
20 citizens in the State of Colorado in identifying, pre-  
21 serving, interpreting, and developing the historical,  
22 cultural, scenic, and natural resources of the region  
23 for the educational and inspirational benefit of cur-  
24 rent and future generations.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) HERITAGE AREA.—The term “Heritage  
4 Area” means the Sangre de Cristo National Herit-  
5 age Area, established in section 4(a).

6 (2) MANAGEMENT ENTITY.—The term “Man-  
7 agement Entity” means the management entity for  
8 the Heritage Area designated by section 4(d).

9 (3) MANAGEMENT PLAN.—The term “Manage-  
10 ment Plan” means the management plan for the  
11 Heritage Area required section 6.

12 (4) MAP.—The term “map” means the map en-  
13 titled “Proposed Sangre De Cristo National Herit-  
14 age Area” and dated November 2005.

15 (5) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 (6) STATE.—The term “State” means the State  
18 of Colorado.

19 **SEC. 4. SANGRE DE CRISTO NATIONAL HERITAGE AREA.**

20 (a) ESTABLISHMENT.—There is established in the  
21 State the Sangre de Cristo National Heritage Area.

22 (b) BOUNDARIES.—The Heritage Area shall consist  
23 of—

24 (1) the counties of Alamosa, Conejos, and  
25 Costilla; and

1           (2) the Monte Vista National Wildlife Refuge,  
 2           the Baca National Wildlife Refuge, the Great Sand  
 3           Dunes National Park and Preserve, and other areas  
 4           included in the map.

5           (c) MAP.—A map of the Heritage Area shall be—

6           (1) included in the management plan; and

7           (2) on file and available for public inspection in  
 8           the appropriate offices of the National Park Service.

9           (d) MANAGEMENT ENTITY.—

10          (1) IN GENERAL.—The management entity for  
 11          the Heritage Area shall be the Sangre de Cristo Na-  
 12          tional Heritage Area Board of Directors.

13          (2) MEMBERSHIP REQUIREMENTS.—Members  
 14          of the Board shall include representatives from a  
 15          broad cross-section of the individuals, agencies, orga-  
 16          nizations, and governments that were involved in the  
 17          planning and development of the Heritage Area be-  
 18          fore the date of enactment of this Act.

19   **SEC. 5. ADMINISTRATION.**

20          (a) AUTHORITIES.—For purposes of carrying out the  
 21          management plan, the Secretary, acting through the man-  
 22          agement entity, may use amounts made available under  
 23          this Act to—



1           (1) make grants to the State or a political sub-  
2           division of the State, nonprofit organizations, and  
3           other persons;

4           (2) enter into cooperative agreements with, or  
5           provide technical assistance to, the State or a polit-  
6           ical subdivision of the State, nonprofit organizations,  
7           and other interested parties;

8           (3) hire and compensate staff, which shall in-  
9           clude individuals with expertise in natural, cultural,  
10          and historical resources protection, and heritage pro-  
11          gramming;

12          (4) obtain money or services from any source  
13          including any that are provided under any other  
14          Federal law or program;

15          (5) contract for goods or services; and

16          (6) undertake to be a catalyst for any other ac-  
17          tivity that furthers the Heritage Area and is con-  
18          sistent with the approved management plan.

19          (b) DUTIES.—The management entity shall—

20               (1) in accordance with section 6, prepare and  
21               submit a management plan for the Heritage Area to  
22               the Secretary;

23               (2) assist units of local government, regional  
24               planning organizations, and nonprofit organizations  
25               in carrying out the approved management plan by—

1 (A) carrying out programs and projects  
2 that recognize, protect, and enhance important  
3 resource values in the Heritage Area;

4 (B) establishing and maintaining interpre-  
5 tive exhibits and programs in the Heritage  
6 Area;

7 (C) developing recreational and educational  
8 opportunities in the Heritage Area;

9 (D) increasing public awareness of, and  
10 appreciation for, natural, historical, scenic, and  
11 cultural resources of the Heritage Area;

12 (E) protecting and restoring historic sites  
13 and buildings in the Heritage Area that are  
14 consistent with Heritage Area themes;

15 (F) ensuring that clear, consistent, and ap-  
16 propriate signs identifying points of public ac-  
17 cess, and sites of interest are posted throughout  
18 the Heritage Area; and

19 (G) promoting a wide range of partner-  
20 ships among governments, organizations, and  
21 individuals to further the Heritage Area;

22 (3) consider the interests of diverse units of  
23 government, businesses, organizations, and individ-  
24 uals in the Heritage Area in the preparation and im-  
25 plementation of the management plan;

1           (4) conduct meetings open to the public at least  
2           semiannually regarding the development and imple-  
3           mentation of the management plan;

4           (5) for any year that Federal funds have been  
5           received under this Act—

6                   (A) submit an annual report to the Sec-  
7                   retary that describes the activities, expenses,  
8                   and income of the management entity (includ-  
9                   ing grants to any other entities during the year  
10                  that the report is made);

11                  (B) make available to the Secretary for  
12                  audit all records relating to the expenditure of  
13                  the funds and any matching funds;

14                  (C) require, with respect to all agreements  
15                  authorizing expenditure of Federal funds by  
16                  other organizations, that the organizations re-  
17                  ceiving the funds make available to the Sec-  
18                  retary for audit all records concerning the ex-  
19                  penditure of the funds; and

20           (6) encourage by appropriate means economic  
21           viability that is consistent with the Heritage Area.

22           (c) PROHIBITION ON THE ACQUISITION OF REAL  
23           PROPERTY.—The management entity shall not use Fed-  
24           eral funds made available under this Act to acquire real  
25           property or any interest in real property.

1 (d) COST-SHARING REQUIREMENT.—

2 (1) IN GENERAL.—Except as provided in sub-  
3 section (b), the Federal share of the cost of any ac-  
4 tivity carried out using any assistance made avail-  
5 able under this Act shall be 50 percent.

6 (2) EXCEPTION.—During the period before the  
7 management entity completes the management plan  
8 under section 6, the Federal share of the cost of any  
9 activity described in paragraph 1 may be 100 per-  
10 cent.

11 **SEC. 6. MANAGEMENT PLAN.**

12 (a) IN GENERAL.—Not later than 3 years after the  
13 date of enactment of this Act, the management entity shall  
14 submit to the Secretary for approval a proposed manage-  
15 ment plan for the Heritage Area.

16 (b) REQUIREMENTS.—The management plan shall—

17 (1) incorporate an integrated and cooperative  
18 approach for the protection, enhancement, and inter-  
19 pretation of the natural, cultural, historic, scenic,  
20 and recreational resources of the Heritage Area;

21 (2) take into consideration State and local  
22 plans;

23 (3) include—

24 (A) an inventory of—

- 1 (i) the resources located in the core  
2 area described in section 4(b); and
- 3 (ii) any other property in the core  
4 area that—
- 5 (I) is related to the themes of the  
6 Heritage Area; and
- 7 (II) should be preserved, re-  
8 stored, managed, or maintained be-  
9 cause of the significance of the prop-  
10 erty;
- 11 (B) comprehensive policies, strategies and  
12 recommendations for conservation, funding,  
13 management, and development of the Heritage  
14 Area;
- 15 (C) a description of actions that govern-  
16 ments, private organizations, and individuals  
17 have agreed to take to protect the natural, his-  
18 torical and cultural resources of the Heritage  
19 Area;
- 20 (D) a program of implementation for the  
21 management plan by the management entity  
22 that includes a description of—
- 23 (i) actions to facilitate ongoing col-  
24 laboration among partners to—

1 (I) promote plans for resource  
2 protection, restoration, and construc-  
3 tion; and

4 (II) specific commitments for im-  
5 plementation that have been made by  
6 the management entity or any govern-  
7 ment, organization, or individual for  
8 the first 5 years of operation;

9 (E) the identification of sources of funding  
10 for carrying out the management plan;

11 (F) analysis and recommendations for  
12 means by which local, State, and Federal pro-  
13 grams, including the role of the National Park  
14 Service in the Heritage Area, may best be co-  
15 ordinated to carry out this Act; and

16 (G) an interpretive plan for the Heritage  
17 Area; and

18 (4) recommend policies and strategies for re-  
19 source management that consider and detail the ap-  
20 plication of appropriate land and water management  
21 techniques, including the development of intergov-  
22 ernmental and interagency cooperative agreements  
23 to protect the natural, historical, cultural, edu-  
24 cational, scenic, and recreational resources of the  
25 Heritage Area.

1       (c) DEADLINE.—If a proposed management plan is  
 2 not submitted to the Secretary by the date that is 3 years  
 3 after the date of enactment of this Act, the management  
 4 entity shall be ineligible to receive additional funding  
 5 under this Act until the date that the Secretary receives  
 6 and approves the management plan.

7       (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
 8 PLAN.—

9           (1) IN GENERAL.—Not later than 90 days after  
 10 the date of receipt of the management plan under  
 11 subsection (a), the Secretary, in consultation with  
 12 the State, shall approve or disapprove the manage-  
 13 ment plan.

14          (2) CRITERIA FOR APPROVAL.—In determining  
 15 whether to approve the management plan, the Sec-  
 16 retary shall consider whether—

17           (A) the management entity is representa-  
 18 tive of the diverse interests of the Heritage  
 19 Area, including governments, natural and his-  
 20 toric resource protection organizations, edu-  
 21 cational institutions, businesses, and rec-  
 22 reational organizations;

23           (B) the management entity has afforded  
 24 adequate opportunity, including public hearings,

1 for public and governmental involvement in the  
 2 preparation of the management plan; and

3 (C) the resource protection and interpreta-  
 4 tion strategies contained in the management  
 5 plan, if implemented, would adequately protect  
 6 the natural, historical, and cultural resources of  
 7 the Heritage Area.

8 (3) ACTION FOLLOWING DISAPPROVAL.—If the  
 9 Secretary disapproves the management plan under  
 10 paragraph (1), the Secretary shall—

11 (A) advise the management entity in writ-  
 12 ing of the reasons for the disapproval;

13 (B) make recommendations for revisions to  
 14 the management plan; and

15 (C) not later than 60 days after the receipt  
 16 of any proposed revision of the management  
 17 plan from the management entity, approve or  
 18 disapprove the proposed revision.

19 (4) AMENDMENTS.—

20 (A) IN GENERAL.—The Secretary shall ap-  
 21 prove or disapprove each amendment to the  
 22 management plan that the Secretary determines  
 23 make a substantial change to the management  
 24 plan.



1 (B) USE OF FUNDS.—The management  
2 entity shall not use Federal funds authorized by  
3 this Act to carry out any amendments to the  
4 management plan until the Secretary has ap-  
5 proved the amendments.

6 **SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.**

7 Any Federal agency conducting or supporting an ac-  
8 tivity that directly affects the Heritage Area shall—

9 (1) consult with the Secretary and the manage-  
10 ment entity regarding the activity;

11 (2) cooperate with the Secretary and the man-  
12 agement entity in carrying out the duties of the  
13 Federal agency under this Act;

14 (3) to the maximum extent practicable, coordi-  
15 nate the activity with carrying out those duties; and

16 (4) to the maximum extent practicable, conduct  
17 the activity in a manner that the management entity  
18 determines will not have an adverse effect on the  
19 Heritage Area.

20 **SEC. 8. PRIVATE PROPERTY PROTECTION.**

21 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
22 this Act—

23 (1) requires any private property owner to allow  
24 public access (including Federal, State, or local gov-  
25 ernment access) to the private property; or

1           (2) modifies any provision of Federal, State, or  
 2       local law with regard to public access to or use of  
 3       private property.

4       (b) LIABILITY.—Designation of the Heritage Area  
 5       shall not impose any liability on, or to have any effect on  
 6       any liability under any other law on, any private property  
 7       owner with respect to any person injured on the private  
 8       property.

9       (c) RECOGNITION OF AUTHORITY TO CONTROL  
 10      LAND USE.—Nothing in this Act modifies the authority  
 11      of the Federal Government or State or local governments  
 12      to regulate land use.

13      (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
 14      IN HERITAGE AREA.—Nothing in this Act requires the  
 15      owner of any private property located within the bound-  
 16      aries of the Heritage Area to participate in or be associ-  
 17      ated with the Heritage Area.

18      (e) EFFECT OF ESTABLISHMENT.—

19           (1) IN GENERAL.—The boundaries designated  
 20       for the Heritage Area shall constitute the area with-  
 21       in which Federal funds made available to carry out  
 22       this Act may be expended.

23           (2) REGULATORY AUTHORITY.—The establish-  
 24       ment of the Heritage Area and the boundaries of the  
 25       Heritage Area shall not provide any regulatory au-

1       thority that would not otherwise apply to govern  
 2       land use within the Heritage Area or the viewshed  
 3       of the Heritage Area by the Secretary, the National  
 4       Park Service, or the management entity.

5   **SEC. 9. WATER RIGHTS.**

6       (a) STATEMENT OF POLICY.—Nothing in this Act is  
 7       meant to modify the Rio Grande Natural Area Act.

8       (b) APPLICABILITY.—Nothing in this Act—

9           (1) amends, modifies, or is in conflict with the  
 10       Act of May 31, 1939 (53 Stat. 785, chapter 155);

11          (2) authorizes the regulation of private land in  
 12       the Heritage Area;

13          (3) authorizes the imposition of any mandatory  
 14       streamflow requirements;

15          (4) creates an express or implied Federal re-  
 16       served water right;

17          (5) imposes any Federal water quality standard  
 18       within or upstream of the Heritage Area that is  
 19       more restrictive than would be applicable had the  
 20       Heritage Area not been established; or

21          (6) prevents the State of Colorado from acquir-  
 22       ing an instream flow through the Heritage Area  
 23       under the terms, conditions, and limitations of State  
 24       law to assist in protecting the natural environment

1 to the extent and for the purposes authorized by  
2 State law.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out  
5 this Act \$10,000,000, of which not more than \$1,000,000  
6 may be made available for any fiscal year.

7 **SEC. 11. TERMINATION OF AUTHORITY.**

8 The authority of the Secretary to provide assistance  
9 under this Act terminates on the date that is 15 years  
10 after the date that funds are first made available to carry  
11 out this Act.

